

**Town of Kinderhook  
Planning Board Meeting  
3211 Church Street  
Valatie, NY 12184  
September 18, 2014**

Approved 11/13/2014

**Minutes**

The Meeting of the Town of Kinderhook Planning Board was held on Thursday, September 18, 2014, beginning at 7:04pm at the Kinderhook Town Hall, 3211 Church Street, Valatie, NY. The meeting was called to order by the Vice-Chairman, Peter Haemmerlein the Chairwoman, Mary Keegan-Cavagnaro. The Roll was taken by the Secretary.

**A. Roll Call**

Present:

Mary Keegan-Cavagnaro, Chairwoman  
Andy Howard, Town Attorney  
Peter Haemmerlein  
Chris Simonsen  
William Butcher, arrived at 7:25  
Jake Samascott  
Jason Graham  
Guy Rivenburgh  
Daniel Weiller  
Nataly Dee, Secretary

Excused:

Patrick Prendergast, Engineer  
Dale Berlin

Absent:

None

**B. Correspondence**

1. Review of Minutes:

July 10, 2014 – Workshop  
July 17, 2014 – Meeting  
August 14, 2014 – Workshop  
August 21, 2014 – Meeting  
September 11, 2014 - Workshop

**C. Public Hearings**

1. 7:05 pm - John Brosen, Hennett Road, Kinderhook - Minor Subdivision.

The notice as it appeared in the news paper of record on September 6, 2014, was read by the Secretary.

A motion to open the Public Hearing was made by Mr. Simonsen. Motion seconded by Mr. Haemmerlein. All in favor. Motion carried; hearing opened.

Mr. Brosen addressed the board, distributed plans of the proposal and reviewed the specifics for the board. The property is a 17 acre parcel which they would like to divide into a 12 acre parcel and a 5 acre parcel. Approval of the proposed septic system was submitted and the location is shown on the plans. Similarly, approval for the driveway curb cut was submitted and the location is also shown on the plans.

Ms. Keegan-Cavagnaro opened the floor to the public for comments and questions. There was no one in attendance for this purpose.

A motion to close the Public Hearing was made by Mr. Simonsen. Motion seconded by Mr. Haemmerlein. All in favor. Motion carried; hearing closed.

A brief discussion by the board ensued. It was noted that the Town Engineer reviewed the plans at the workshop and had no issues with the proposal.

The State Environmental Quality Review (SEQR) was reviewed by the attorney.  
Part II: Impact Assessment of the EAF (Short Environmental Assessment Form).

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? *Proposed answer is no or small impact.*

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2. Will the proposed action result in a change in the use or intensity of use of land? *Proposed answer is no or small impact.*
3. Will the proposed action impair the character or quality of the existing community? *Proposed answer is no or small impact.*
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? *Proposed answer is no or small impact.*
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? *Proposed answer is no or small impact.*
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? *Proposed answer is no or small impact.*
7. Will the proposed action impact existing:
  - a. public / private water supplies? *Proposed answer is no or small impact.*
  - b. public / private wastewater treatment? *Proposed answer is no or small impact.*
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? *Proposed answer is no or small impact.*
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? *Proposed answer is no or small impact.*
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? *Proposed answer is no or small impact.*
11. Will the proposed action create a hazard to environmental resources or human health? *Proposed answer is no or small impact.*

If the board was so inclined they could entertain a motion to issue a Negative Declaration of significance under SEQR. The motion was made by Mr. Simonsen. Motion seconded by Mr. Haemmerlein. All in favor. Motion carried; declaration issued.

A motion that the application for Minor Subdivision is substantially complete and ready for approval was made by Mr. Simonsen. Motion seconded by Mr. Samascott. All in favor. Motion carried; application approved.

Fees in the amount of \$250 were submitted by the applicant.

**D. Old Business**

1. Robert & Maryanne Broderick, 3 Rose Street, Niverville – Minor Subdivision;

Project has been referred to the Zoning Board. ZBA Public Hearing is scheduled for October 2, 2014, at 7:05pm;

2. Tim Sullivan, 84 Ottoville Road, Niverville – Minor Subdivision;

Project has been referred to the Zoning Board.

3. Napa Auto Parts, Route 9 – Site Plan Review for Additional Building;

No one was in attendance to represent this application.

4. Drs. Nancy Ann Quimby and David Picchione, 4, 6, 8 Maple Lane, Valatie – Site Plan Review;

Dr. Picchione addressed the board and distributed revised plans for the board's review. There were three items that the board requested of the applicant at the last meeting. The location of the well has been shown on the revised plans. The parking schedule has also been added to the plans. The lighting proposal has been submitted which provides for full cut off down light distribution.

Mr. Simonsen addressed concerns about the flow of traffic in and out of the location. The from Route 9 is ingress only but that is not indicated on the plans. The ingress/egress on Maple Lane is also not indicated. The plans need further clarification and demonstration of the two way entrance from Maple Lane and one way from Route 9.

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The applicant indicated that the existing sign will stay in the current location at this time.

A motion to schedule a Public Hearing on Thursday, October 16, 2014, at 7:05pm was made by Mr. Samascott. Motion seconded by Mr. Graham. All in favor. Motion carried; hearing scheduled.

**E. New Business**

1. Valatie Rescue Squad, Rod and Gun Club Road – Minor Subdivision/Lot Line Adjustment

Mr. Scott Bowman addressed the board and distributed plans for the board's review. An application and SEQR have been submitted. He stated that they are proposing to move the lot line of a 5 acre parcel northward to create a 20 acre parcel. The board requested that contour lines shown on the plans are labeled. The project proposes to move a lot line on parcel ID #44.-1-63.112. Old plans show that the small lot in the corner has a 150' setback as does the lot closer to the intersection of Rod and Gun Club Road and Route 203. Current plans have redrawn that according to town code which calls for 50' setbacks. It was not known why the setback was made so large. Original approval of the subdivision should be reviewed.

Mr. Heammerlein inquired if they were seeking approval for a building site. Mr. Bowman stated that at this point they are only seeking the acquisition of the land from Mr. Buono. He noted that there are some deed restriction that they would like removed and as a concession to get those restrictions lifted they have agreed to move the lot line. Some of the conditions were discussed but were not entirely clear. Mr. Bowman noted that if they were going to buy the land and not know yet how it was going to be used, they want it without deed restrictions. Mr. Howard noted that the board cannot remove them; Mr. Buono and the owner of the existing house would have to do that.

Mr. Bowman indicated that this purchase is a good deal and a safe purchase for the Rescue Squad. It would be good if they are able to build on the property at some point; but, if they can't they still feel it is a good investment and would be able to recoup the money spent to purchase the land.

The history of the prior subdivision should be reviewed. The setbacks are of question as is the issue of potential conservation. The secretary will review the minutes from March, 2004, and the old file will be pulled for review by the board.

Mr. Simonsen inquired about the proposed route to respond to emergencies. A discussion ensued about potential problems this may pose. Mr. Bowman noted that finding an appropriate location has been challenging.

Mr. Better addressed the board and shared his comments. He is of the opinion that what the Valatie Rescue Squad does for the community is a wonderful service. It is a public benefit corporation; not an insignificant amount of their revenue is derived from taxpayer money. However, he does not think it makes sence to put a rescue squad on that piece of property in that location. Further, from a planning standpoint, he felt with all due respect, that the rescue squad is a public benefit corporation , not-profit entity and it is not really appropriate to buy and sell land because it might be a good investment. Ultimately, he does not think it has been well planned. An alternate location, such as State Farm Road, was discussed.

Mr. Bowman responded that he appreciated Mr. Better's opinion , but he did not feel that anyone should be offended by the rescue squad looking out for their own interests and existence.

**F. ZBA Opinions**

None.

**G. Liaisons**

1. Village Planning Boards – Liaison was excused.

2. Town Board – Mr. Haemmerlein presented at last week's workshop. He wanted to re-addressed the issue of the speed limit on Route 28 in Niverville. Mr. Haemmerlein provided a detailed description of the speed limit signs along that stretch of road. The approach was appropriate and correct.

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Do we need to reapply for additional reconsideration by the Town Board. A request will be made to put it on the agenda again. It would need to be sent to the Traffic Safety Committee for consideration. A discussion ensued about the merits and potential impact of requesting a reduction.

A motion to re-approach the Town Board with more factual information and propose the consideration of a reduction of the speed limit on Route 28 to 45mph was made by Mr. Haemmerlein. Motion seconded by Mr. Simonsen. All in favor. Motion carried; recommendation will be made.

3. NYSEG Project – Mr. Simonsen stated that he thinks settlement talks are ongoing.

## **H. Other**

### **1. Public Comment**

Mr. Better reported on the ELLE-KAZ project. Mr. Kazer met with Mr. Voss and discussed a laundry list of items that need to be addressed for the conversion of the existing houses to single family homes. Mr. Better spoke of a discussion he had with Mr. Kazer regarding the process by which he can proceed. There is a motion to put up an \$80,000 bond. Part of the situation is a Planning Board issue to build the roads, part is a Building Department issue to de-duplex the houses. They are moving ahead with the work and have not yet secured the bond. Mr. Simonsen inquired that given this situation if the dollar amount of the bond needs to be revisited. Mr. Howard advised that if Mr. Kazer and the Building Department can demonstrate that the one of the conditions has been met (inaudible), and in terms of the administration of the bond it would be preferable that it just include the road way.

Mr. Better also addressed the Niverville Post Office plans that were brought up at the previous meeting. The file was not found as per the parcel number provided. The park has been transferred to the Town and they have been maintaining it. The approved plans were never filed. Mr. Better is requesting that it be re-stamped at this time so that it can be filed.

Mr. Howard advised that the Board could entertain a motion to authorize Ms. Keegan-Cavagnaro to stamp the plans so that they can be filed.

A motion to authorize Ms. Keegan-Cavagnaro to re-stamp the plans of the Niverville Post Office property, Tax Map Parcel ID # 23.20-1-33, was made by Mr. Simonsen. Motion seconded by Mr. Haemmerlein. All in favor. Motion carried; plans will be re-stamped.

A motion to adjourn the meeting was made by Mr. Simonsen. Motion seconded by Mr. Haemmerlein. All in favor. Motion carried; meeting adjourned at 8:10pm.

A brief and informal discussion of the proposed Local Law 1 for 2014 ensued.

Respectfully submitted,

Nataly Dee, Secretary